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DOCKET NO. C01037.70017.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Bratzler et al.
Serial No.: 09/800,266
Conf. No.: 3753
Filed: March 5, 2001
For: IMMUNOSTIMULATORY NUCLEIC ACIDS AND CANCER
MEDICAMENT COMBINATION THERAPY FOR THE TREATMENT OF
CANCER
Examiner: Angell, Jon E.
Art Unit: 1635

11/attach

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 28 day of February, 2003.

Maria A. Trevisan

Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith are the following document(s):

- ☒ Amendment
- ☒ Appendices A, B, C and D (data and cited references)
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

A check in the amount of \$930.00 is enclosed to cover the extension fee. Please charge any fee deficiencies that may be necessitated by this filing to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully Submitted,

Maria A. Trevisan, Reg. No.: 48,207
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(617)720-3500

Docket No.: C01037.70017.US
Date: February 28, 2003
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Sir:

RESPONSE

This is a Response to the Office Action mailed from the United States Patent and Trademark Office on August 28, 2002. A three month extension of time to and including February 28, 2003 for responding is respectfully requested, and the appropriate fee is submitted herewith.

Remarks

Claims 1-17, and 31 are pending. Claims 21 and 36 pertain to a non-elected invention and are cancelled herewith.

Rejection of Claims Under 35 U.S.C. §112, first paragraph

Claims 1-17 and 31 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Applicants respectfully traverse the rejection.

The standard for enablement is whether undue experimentation would be required for one of ordinary skill in the art to practice the claimed invention. To determine whether

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